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# The Accounts that Defendants Give for Crime: Relationship between Accounts Given and the Perceived Seriousness of the Crime

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**The Accounts that Defendants Give for Crime:  
Relationship between Accounts Given and the Perceived Seriousness of the Crime**

BY

**Danielle Bree Trammell**

**THESIS**

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF

**Master of Arts in Clinical Psychology**

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Running Head: THE ACCOUNTS THAT DEFENDANTS GIVE FOR CRIME

The Accounts that Defendants Give for Crime:

Relationship between Accounts Given and the Perceived Seriousness of the Crime

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### Abstract

The present study examined whether the accounts that defendants give (i.e., apology, excuse, or justification) would have an effect on the perceived seriousness of the crime and assigned penalty. The study focused specifically on burglary, a non-violent crime. It also examined how participant characteristics, such as age, gender, political ideology, and history of victimization, affected the perceived seriousness and assigned penalty. This is a growing area of interest, given the societal impact of crime. There is significant disparity in sentencing that exists for perpetrators who are convicted of similar crimes. It is important to examine the possible explanations for this disparity. Twenty-one male and 107 female university students were recruited from psychology courses. Each participant received a packet containing one of four different vignettes and questions assessing perceived seriousness of the offense, non-jail time and jail time penalty, the perceived intent of the defendant, the participant's and/or the participant's family history of victimization and a demographic information questionnaire. Results indicated that there was not a significant relationship between the accounts given and the perceived seriousness/imposed penalty. However, results did indicate that when compared with the control group, apologies tended to lessen the amount non-jail time penalties chosen by participants. Furthermore, when compared to the justification group, apologies also lessened the length of jail time chosen by the participants. Additionally, it was found that there was a significant relationship between the participants' history of personal and/or family victimization and the number of non-jail time penalties assigned (i.e., reprimand, payment of fee, probation, community service). Results of independent samples *t*-tests indicated that participants with a history of personal or family

victimization chose more non-jail time penalties than those with no history of victimization. Also, age differences were found with respect to the ratings of perceived seriousness. Results indicated that the older that a participant was, the more serious he or she rated the crime. Implications of these findings and suggestions for future research are also discussed.

## The Accounts that Defendants Give for Crime:

### Relationship between Accounts Given and the Perceived Seriousness of the Crime

One of the major societal problems that has occurred throughout history is crime. According to the Uniform Crime Report of 2000, compiled by the Federal Bureau of Investigation (FBI), crime occurs at a rate of 4,124 offenses per 100,000 inhabitants. This is a two-tenths percent decrease from previous years; nevertheless it amounted to 11.6 million offenses in 2000 (Federal Bureau of Investigation, n.d.).

Given the societal impact of crime, much social science research has been conducted on several aspects of this issue. A growing area of interest has been on gaining a better understanding of the criminal justice system, specifically the involvement of victims and perpetrators in the legal process. Within this area of study, an increasingly important concern has been the significant disparity in sentencing that exists for perpetrators who are convicted of similar crimes (Steinke, 1992). Much of this research has focused on demographic features, such as gender, race, and socioeconomic status (Shoemaker & Bryant, 1987; Wrightsman, 2001). However, it also appears that defendant's verbal statements related to the crime are implicated in sentencing decisions. This is an area in need of further study.

As previously mentioned, in the judicial system, similar cases are treated differently by different decision-makers. Much of this disparity is a result of allowing the criminal justice system (e.g., judges, parole boards, probation officers) a great deal of discretion to tailor the sentencing to the individual offender (Carroll, Perkowitz, Lurigio, & Weaver, 1987). When examining the possible causes for this disparity, several possibilities have been researched. Carroll et al (1987) stated that there are several types

of individual differences that are believed to predict the variation or disparity in sentencing. Examples of these may include different sentencing goals or penal philosophies, varying attributions about the causes of the crime, and differing ideology and personality of the decision-makers (Hamilton & Hagiwara, 1992).

When looking specifically at the attribution about the causes of the crime, previous research has focused on the reasons that inmates give for the crimes that they commit. In particular it has centered on what inmates, or those who commit violent actions, attribute their behavior to, whether they use excuses or justifications, and the effect that these accounts have on the victims, on the prospective jurors, and on the penalties assigned. However, little research has actually been conducted on the perpetrators of property crime. In the Crime Index, property crimes accounted for 87.7 percent of all committed crimes, whereas violent crimes accounted for only 12.3 percent (Federal Bureau of Investigation, n.d.). Due to the disparity between the amount of property crimes committed and the lack of research conducted on the accounts given by these perpetrators, several important questions remain unanswered: Are jurors likely to be influenced by the accounts given by the perpetrators of property crimes? Will the perceived seriousness of property crimes be affected by the perpetrators' accounts? The purpose of the present study will be to address the above questions with regard to the accounts given by criminal defendants. First, the existing research in the above areas will be examined.

### *Attribution Theory*

When an individual has been accused of any wrongdoing that goes against social norms, the first inclination is for the individual to detach oneself from this negative event.

When a social predicament occurs, whether it is of minor embarrassing incidents to major transgressions, the person must explain or given an account for his or her behavior; in a sense, he or she must “right the wrong.” Giving an explanation is as much for the benefit of the victim of the action as it is for the perpetrator of the action. This is a basic concept developed by Heider, which predicts that relationships must be in balance. If a relationship is imbalanced due to something the “actor” did, then he or she must account for this negative behavior. An account may have the ability to diminish or eliminate responsibility for the wrongdoing (Hamilton & Hagiwara, 1992). According to attribution theory, people “organize and make their world more predictable by inferring the ‘causes’ of events and behaviors, often from limited information” (Phillips, 1985, p. 483). Therefore, it is reasonable to hypothesize that in the criminal justice system, the decision-makers in a case will be attempting to understand the perpetrator’s reasoning for committing the crime. When determining the sentence for the perpetrator, it is hypothesized that the accounts that the perpetrator gives for committing the particular crime may influence the perceived seriousness of the crime.

Research in criminology indicates that the most common attributions given by defendants can be categorized as excuses, justifications, apologies, or denials (Henderson & Hewstone, 1984; Ohbuchi, Agarie, & Kameda, 1989; Scully & Marolla, 1984). An excuse has been defined as when a person admits the criminal act was wrong, but denies personal responsibility. In other words, an excuse can be conceptualized as a statement “diminishing the responsibility of the person due to the fact that the consequences of the behavior were not intended by the person because of some other causal factor” (Steinke, 1992, p. 477). An example of the need for the use of an account may be if a person walks

into another person, causing them to fall. This is generally viewed by society as a behavior that is not acceptable. If making an excuse, the person at fault may state that he or she knew that the act was wrong, however it is not his or her fault due to the floor being wet. The behavior itself (e.g. causing someone to fall) is acknowledged as incorrect, however the excuse (e.g. the wet floor was really the cause of the action) is an attempt to disassociate one from the action. Furthermore, the individual establishes that the intent was not to cause harm. A justification, on the other hand, is when one admits responsibility for the illegal action, but attempts to reinterpret the act in a more socially acceptable way. Using the situation discussed above, a justification for walking into someone and causing him or her to fall could be that the other person had provoked the action. For example, the “actor” could state, “I had asked several times for the person to move and he or she refused.” According to Steinke (1992), the person admits that the action was “carried out intentionally, but denies that it has the negative value attributed to it by others” (p. 477). Therefore, this action that was previously viewed as wrong may now be viewed as “morally neutral or good” (Steinke, 1992, p. 477). Finally, an apology is when one admits responsibility for his or her actions and also expresses regret for the undesirable event (Felson & Ribner, 1981). Once again citing the above example, the person at fault for the action would both apologize and express regret (e.g. “This is completely my fault. I am so sorry for knocking you down”).

### *Review of Previous Research*

Little research has been conducted on the accounts that prisoners give for their crimes, although they seem to exemplify defendants wanting to detach themselves from their actions. In a majority of cases, a criminal act, whether classified as a violent or

property crime, will result in a type of sanction for the defendant. Thus, it would be to the benefit of the defendant to use an account in an attempt to detach himself or herself from the event. One of the main reasons this topic is of utmost importance is that these accounts may have an impact on the penalties assigned. Research findings are conflicting. While some studies have suggested it is better to give an excuse for the offense (Blumstein et al, 1974), other research showed that offering an excuse or justification may seem to necessitate a longer sentence (Steinke, 1992). That is, if one has not realized he or she is at fault and still resorts to placing the blame on others, then what is to keep the perpetrator from committing the same offense in the future? Yet other studies have concentrated on the way in which “aspects of social roles, specifically, the solidarity or closeness of the parties and their hierarchical or equal status may affect the choice and effectiveness of accounts” (Hamilton & Hagiwara, 1992, p. 157). That is, if a person commits a wrongdoing against someone of equal status (e.g. a coworker) or someone with whom he or she is close (e.g. a family member), then the account may be different than in the situation in which the person is giving the account to someone of a higher status (e.g. his or her boss). Research has also explored the possible various ways that accounts impact different cultures (Hamilton & Hagiwara, 1992). It is important to review this research to better understand the reasons underlying the disparity in sentencing. For example, how important are the mitigating circumstances in a crime situation? Some researchers have suggested that society places too much emphasis on these reasons given, rather than concentrating on the crime itself.

*Offender Accounts of Criminal Behavior.* Henderson and Hewstone (1984) examined the explanations that prisoners gave for their acts of violence and aggression.

The primary research hypothesis was that inmates attribute their behavior to external and unstable causes through use of excuses and justifications. Another hypothesis tested was that the explanations would be predominantly justifications<sup>1</sup>, except in cases where the victim died, as it would be difficult for the perpetrators to “reinterpret death in a socially acceptable way.” Previous research has shown that justifications are more frequently used (over 50%) than excuses (18.7%) when accounting for violent crimes. The main dependent variables were the locus of attribution (victim, self, or situation) and excuses versus justifications. The main independent variables that were significant were: the presence of a third party, if there was injury to the offender, the relationship of the victim to the offender, and the severity of the outcome. The subjects in the study were forty-four male violent offenders, all inmates in a single maximum-security prison. They were serving time for murder, attempted murder, manslaughter, wounding, grievous bodily harm, or assault.

The results confirmed the major hypotheses. The inmates’ explanations were predominantly external and could be categorized as justifications rather than excuses. The presence of a third party showed significantly lower attribution to victim, and higher attributions to the situation. The reason that this was hypothesized is because in a situation where someone is a witness to an offense, it is harder for the perpetrator to “get away with” blaming the victim, especially if the victim is not fighting back or is completely helpless. When there was not a third party present, it becomes the victim’s word against the offender’s, therefore, it is easier for the offender to place more blame on the victim.



It was also found that excuses were used significantly more often when the offense was murder. As previously stated, this is understandable due to the difficulty of manipulating the death of someone to seem socially acceptable. Furthermore, there was more victim blame attribution when the victim was more intimate or familiar to the offender. This is reasonable because the offender has a history with and is familiar with the victim's personality, past behavior, and other characteristics. This increases the likelihood of the perpetrator "painting the victim in a negative light." It further supports the view that the victims known to the offender may be assumed to have had an opportunity to provoke or precipitate the act, therefore they are more responsible. The research provided followed consistently with other research on explanations given by offenders. The authors relied heavily on Heider's internal-external dichotomy, and Weiner's stable-unstable distinction for purposes of explaining the behavior of inmates (as cited in Henderson & Hewstone, 1984). The external attribution findings can be explained by using the "just world" theory, where attributers see victims as deserving of their fate. The results for accounts can also be explained by previous research. Violent accounts were more likely to be justified than excused. This was supported by research that says justifications were used more frequently to explain violent behavior because this often involved an aggressive exchange between people, therefore suggesting an appeal to the norms of self-defense.

Quinsey, Reid, and Stermac (1996) narrowed this topic by concentrating mainly on male offenders admitted into a psychiatric setting. The authors focused on personality-disordered stimulus offenders compared to psychotic stimulus offenders, and then compared both groups to a non-offender control group. They hypothesized that

offenders in general would give more situational (external) and fewer dispositional (internal) causes for their own offense than for the offenses of the same kind and severity committed by other offenders. Non-offenders, on the other hand, would attribute more dispositional explanations for the offenses. Offenders were expected to cite the causes of their own crimes as unstable, whereas non-offenders would not. Additionally it was expected that psychotic offenders' crimes would be explained by others in terms of causes where the offender had little control, therefore they would be seen as less blameworthy than personality-disordered offenders.

The researchers used two subject groups: the offenders and non-offenders. The offender group consisted of 60 males chosen from institutions for the criminally mentally ill, where they were placed either for a pretrial psychiatric examination or for treatment after having been found not guilty by reason of insanity. These inmates had been charged or convicted with murder, attempted murder, sexual assault, child molestation, or property offenses. The control group consisted of males who were recruited by newspaper advertisements and had no criminal history. Each subject was given descriptions of the same eight cases (which involved the major offense categories) involving male offenders. Each of the four offense types was crossed by the diagnosis of the offender portrayed (either psychosis or personality disorder). The offenders were asked to complete a series of attributional rating scales concerning his offense, and then presented the eight cases and asked to rate them. The same procedure was followed with the control subjects, except the first of the nine cases they read was that of the specific offender subject with whom they had been matched. For each offense, the subjects were asked to complete Russell's (1982) Causal Dimension Scale, comprised of locus of

causality, stability of causality, and controllability. They were then asked to rate how much blame they attributed to the offender, how much responsibility of the offender for the crime, the likelihood to re-offend, and the extent to which the crime could have been prevented.

The results showed that, as predicted, the personality-disordered stimulus offenders were rated as more blameworthy and more responsible for their offenses as opposed to the psychotic offenders. Their crimes were viewed as more controllable, and they were rated as more likely to re-offend. The effect of the type of crime across the offender and non-offender groups was consistent. Psychotic offenders convicted of sex offenses were rated as more blameworthy, responsible, and controllable than were psychotic offenders who had committed murder or property offenses. Offenders predictably rated themselves as less responsible for their crimes than did the non-offenders. They also rated the causes of their crimes as less stable and less controllable than did their matched control subjects. These results support the notion that offenders would see their crimes as more situationally caused than those of other offenders and as less likely to be repeated. Offenders opted for a strategy of accounts that avoided blame and dispositional attributions. These results support the notion that one should view all offender explanations with extreme caution.

Whereas the numerous studies have researched the likelihood of rape and the effect on accounts given, Scully and Marolla (1984) interviewed 114 convicted rapists and examined their accounts for their violent behavior. The accounts rapists used to justify and/or excuse their behavior, and to align their actions were analyzed. Aligning actions refers to tactics and techniques used by actors when some feature of a situation is

problematic. The actors will then want to bring their conduct into alignment with cultural norms. The hypothesis was that the inmates who denied their offense would use justifications, whereas the ones who admitted the crime would use excuses to explain how they were compelled to rape. Through excuses, they attempted to demonstrate that either intent was absent or responsibility was diminished. The main dependent variables were excuses versus justifications. The independent variables that were significant were the attitude towards the victim and the crime.

The results separated the groups into the “admitters” and the “deniers”. The ones who admitted the offense were more likely to understate the force used. Since this group admitted that their behavior was morally wrong, they used excuses to try to explain why they were compelled to rape. It was hypothesized that this allowed them to admit the rape while reducing the threat to their identity as a moral person. They tended to place the blame on factors such as the use of drugs or alcohol, emotional problems, or the category of presenting a ‘nice guy’ image, stating it was a mistake, but that they were usually ‘good guys’. On the other hand, deniers offered versions of the account that differed from the victim and the police versions. They were more likely to attempt to justify their behavior by presenting the victim in a light that made her appear culpable. Examples of this included: 1) that she was a seductress; 2) she meant ‘yes’ when saying ‘no’; 3) she eventually relaxed and enjoyed it; 4) that ‘nice’ girls do not get raped; and 5) the offender was guilty of a minor wrongdoing. This tends to support previous research (Osland, Fitch, & Willis, 1996), which showed that those males with proclivities to rape or force sex tended to score high on the Rape Myth Acceptance Scale. In conclusion, the researchers found that both excuses and justifications were popular among convicted

rapists. The researchers suggest that from the information they received, rape is motivated more by cultural perspectives of the victim, or women in general, rather than blaming the act on an illness.

*Reasons Underlying Defendant Accounts.* Delving further into the issues of sexual harassment and/or assault, Osland, Fitch, & Willis (1996) assessed the inclination to rape and/or use sexual force among 159 Midwestern college men. The main hypotheses were that participants indicating greater rape and sexual force tendencies would offer more justifications for the violence, and these men would also be more accepting of rape myths, interpersonal violence and traditional roles for women compared with men reporting no proclivities. The independent variables included three violence scenarios, depicting a man using increasing violence in his interactions with a woman and measured respondents' perceptions of the man's level of violence and justifications for his use of violence. The dependent variables included acceptance of interpersonal violence, attitudes toward women, rape myth acceptance, rape empathy, and Likert scales for the low, medium, and high violence scenarios.

The results supported the hypotheses. The participants who indicated no inclination to rape or force sex indicated that violence was not justified under any circumstances. The results suggested that perceptions of violence do not affect attitudes toward women as much as justifications for violence. As the violence level increased, so did the percentage of those with likelihood to rape/force sex offering two or more justifications. Men who reported rape and sexual force dispositions also scored lower in rape and emotional empathy. This research suggests that those who have proclivities to

rape or force sex show less empathy toward the victim and are more likely to offer justifications for their offense.

*Relationship to Perceived Seriousness.* In addition to examining the accounts given by perpetrators, research has also been conducted on the impact that these accounts may have on potential jurors. Hunter and McClelland (1991) examined the process of honoring accounts for sexual misconduct. They used a factorial survey technique to examine student-student sexual harassment. Their major hypotheses were: 1) the accounts offered by the offenders will have an important impact on the perceived seriousness of these situations; 2) apologies will be more successful than excuses or justifications in reducing the perceived seriousness of these situations; 3) excuses in general will be somewhat more successful than justifications in reducing the perceived seriousness of these situations; and 4) internal excuses which attempt to shift responsibility to secondary features of the actor, as opposed to shifting the blame to others, will reduce the apparent seriousness of the situation. This is similar to an apology, to the extent that the actor is taking responsibility as opposed to placing it on others or justifying the situation. The actor is instead placing the blame on himself or herself, but still claiming that he or she is not usually that 'bad' of a person. An internal excuse carries with it a promise of better behavior in the future.

The data were collected from two hundred and thirty-one college students. The independent variables consisted of the dimensions of the examples of possible sexual harassment and/or assault including the class year of the hypothetical victim and offender, their prior relationship, the setting of the incident, the male student's verbal action, and male student's physical action, the response of the female student, and the

accounts offered by the male student. The dependent variable was the 15-point seriousness rating scale, ranging from slightly serious to extremely serious.

The results demonstrated that a prior relationship and male's physical behavior had an impact on the perceived seriousness of the offense. The main focus, the male's accounts for his actions, were grouped into four categories: apologies, excuses with internal attribution, excuses with external attribution, and justifications. All apologies tested were effective in reducing the rated seriousness of the offense. Internal excuses somewhat deflect blame for the action, whereas external excuses were less effective in terms of displacing blame from the male actor. Justifications also seemed to result in greater perceived seriousness on the male actor. It appears that these accounts are seen as the most incriminating. Drawing from these results, it is clear that accounts can effect the evaluation of a behavior almost as strongly as the offense itself.

*Sanctions.* After studying these different offenses and the reasons provided by inmates (or regular citizens) for their behavior, it is interesting to examine the effect these accounts have on the sanctions for criminal violence. Felson and Ribner (1981) examined the accounts given and the sanctions received for two types of extremely deviant acts: criminal homicide and felonious assault. Account was defined as a type of aligning actions indicating to the audience that the actor is aligned with the social order even though he or she has violated it. An excuse is a denial of personal causation, whereas a justification claims that the act was not wrong in the present context because of some overriding norm value. The hypothesis was that the account would depend on the seriousness of the crime and a denial of guilt would result in a more severe sentence for the convicted offenders since the offenders were failing to align themselves with the

social order by showing penitence. Two hundred and twenty-six males incarcerated in New York State correctional facilities were studied. They were serving time for felonious assaults, manslaughter, or murder. Examples of excuses given included accidents, drugs/alcohol, and state of mind or emotional disturbance. Justifications were self-defense, mentions of victim's wrongdoing, conflicts with the victim, or claims of helping another.

The results showed that in this population, excuses were infrequent, and that the most frequently used excuse was that the violent behavior was "accidental." Justifications were given 50% of the time, with "self-defense" being employed most often. In 31% of the cases, no account was provided and 17% of the inmates denied guilt. Excuses tended to be used when the victim died, when fewer blows were delivered, or when the victim was female. As demonstrated in previous research, it is hard to show that a fatality or any action against a woman is socially acceptable.

In this study, the effect of denial on sentencing was the same for both minimum and maximum sentences. There were significantly higher sentences given to those offenders who denied their guilt. This may be due to the fact that the offender is, in a sense, showing no remorse for the offense. Instead, they are trying to deny any part in it, which the court system may view as an outright lie, therefore inflicting stricter sentencing guidelines. The results support a frequently heard criticism that the attributional theory places too much emphasis on causes and ignores the fact that the actions are also explained in terms of reasons. Convicted offenders were more likely to account for homicides and assaults in terms of reasons (justifications) rather than causes (excuses). A



denial of guilt did show more serious sanctions, possibly because it demonstrates a lack of remorse.

The mediating effect of inmates' types of accounts, attribution of causality, and pleas on hearing officers' judgments of blame (penalties) has also been explored (Steinke, 1992). Steinke hypothesized that excuses would tend to decrease the penalty, whereas denial and a plea of not guilty would increase the penalty. The dependent variables were the type of account (excuses, justifications, denials, full admissions, partial admissions, and no comment), the attribution of causality (blaming oneself or others), and the plea (guilty or not guilty). The independent variable was the effect of the defendant's plea on the penalty, and whether it was a violent or non-violent crime. The subjects were approximately 500 men in a medium security prison. The researcher took the type of account, attribution of causality, and plea as given at a hearing when the penalty was decided. The main cause or the first cause in the account was coded, and the penalties were coded from "very major-90 days or more" to "very minor-reprimand or small fee."

The results indicated that the same percentage of excuses and justifications were offered, possibly because this study encompassed a wider range of behavior, including inmates who were either actively psychotic or had experienced a recent psychotic breakdown. This suggests that the use of excuses or justifications is, in part, dependent on characteristics of the behavior and the situation. The use of excuses, justifications, or partial admission was found to increase the penalty, whereas attributing behavior to oneself did serve as a mitigator. Plea seemed to show no effect. When examining violent versus non-violent crimes, the penalty for violence showed an increase when inmates

gave excuses, yet not for justifications. For non-violent offenses, a plea of guilty actually decreased the penalty. When the offense was violent, the penalty decreased when attribution of causality was to another. This study suggests that, especially when it is a violent offense, accounts given for behavior will not always serve to mitigate penalties. In some cases, the accounts may actually increase the blame assigned. This may be due to how the court officials view the inmates. If an inmate is still making excuses or justifications for his crime, then it may be interpreted that one has not changed.

According to the research, it is apparent that offenders' accounts and attributions do have some effect on justice system officials and victims. Delving further into the effect on sentencing outcomes, the relationships between these variables was compared in two related studies (Carroll, Perkowitz, Lurigio, & Weaver, 1987). The purpose was to develop a framework for understanding individual differences among criminal justice decision makers and the implications of these differences for sentencing decisions. The hypothesis was that attributions, ideology, and personality characteristics would determine sentencing goals. Sentencing goals were defined as punishment or retribution, rehabilitation, incapacitation, general deterrence and specific deterrence. Ideologies were the differing viewpoints about the causes of criminal behavior and suggestions for combating the crime. In Study 1, 384 undergraduate and law school students were surveyed.

The results supported the hypothesis that sentencing goals, attributions about the causes of crime, and measures of personality and ideology are interlocked. People advocating tough treatment of criminals believed that this harsh punishment would be

effective in the deterrence of criminals. The people with strict moral attitudes were also less likely to accept external attributions for the crime.

In Study 2, the results were extended to a subject group consisting of 101 probation officers and supervisors. Once again, dependent variables were the goals of sentencing, whereas the independent variables were the ideology and personality. The results show that if the goal of the individual was to punish the offender, the subject would attribute the cause of the crime to the criminal. If the goal was to rehabilitate, then the subject would attribute causality more towards economic or drug problems. In Study 1, the students linked interpersonal or social factors and criminal actions, whereas probation officers tended to link criminal actions with the individual's locus of control. This research shows that there is a link between one's personal beliefs in the goals of sentencing (punishment versus rehabilitation), and one's attributions as to the cause of the crime. Attempts to reduce the disparity in sentencing may increase due to this difference in the ideology of citizens.

*Use of Apologies.* As supported by the previous research, it appears that the use of justifications and excuses are not always beneficial to the perpetrator; in many cases, using these accounts was associated with a negative outcome for the inmates. If these two accounts do not seem to work, then what about apologies? It has been suggested by researchers that apologies serve to: 1) reduce the victim's responsibility, since the harm-doer admits his or her part in the negative consequences; 2) show respect for the victim; 3) deny maliciousness; and 4) restore social justice (Ohbuchi, Agarie, & Kameda, 1989). These authors were interested in whether an apology really does reduce the perceived harm in the eyes of the victim. The main hypothesis was that some form of apology

might mollify the victim when the harm is relatively mild, but not when the harm is more severe. The dependent variables consisted of the impression the victim would have of the harm-doer, rated on a five-point scale: bad-naturedness, insincerity, unfriendliness, irresponsibility, and maliciousness. The independent variables were the presence or absence of an apology and the severity of the harm in the hypothetical situations. Eighty subjects were randomly assigned to one of four conditions. The experimenter asked the subjects to imagine themselves as the victims in these situations while they filled out the questionnaire. They were then asked to rate the dependent variables, and to estimate how strongly the victim may wish to receive an apology. Next the victim's predicted verbal and physical aggression, which was defined as any verbal statement blaming the harm-doer, or physical acts such as kicking, beating or any behavior inflicting physical pain on the harm-doer, was measured.

The results showed that the victim would have a more favorable impression of the harm-doer when there was an apology and when the harm was mild. In conclusion, when harm-doers apologized for their actions as opposed to when they did not, the victim would feel more favorably. As predicted, when the severity of harm increased, even an apology could not significantly reduce the blame.

### *Summary*

In conclusion, it is apparent that the accounts that inmates give for their actions are related to sentencing procedures, and the ways that the offender is viewed by both the courts and the victims. When studying the actual accounts given by these offenders, most center on external, unstable, and uncontrollable causes. This research supports Weiner's (1974) stable-unstable distinction. When an action is seen as stable, it will be less likely

that the actor will be granted a lighter sentence. Additionally, if the cause is internal and controllable, the blame will be placed primarily on the actor. Following these basic concepts, prisoners would rather cite external, unstable, and uncontrollable attributions of causality in an attempt to detach themselves from the crime. Unfortunately for these inmates, it appears that the first instinct of placing the blame on others may lead to a harsher penalty. The use of justifications, which is admitting responsibility, but attempting to reinterpret the act in a more socially acceptable way, makes it appear that the actor has not learned, therefore should remain out of the community. The use of an excuse is viewed as a simple denial of responsibility, which is again a red flag for justice officials. Furthermore, the above research also attempted to study how a person's own theory of the goals of the criminal justice system affect the views on attribution of causality. It is apparent from previous research that individuals' ideology has a large impact on their acceptance of any account for criminal activity. If a person has a punitive view then he or she is more likely to attribute the actions internally to the offender. They are less likely to accept any excuse or justification for the crime. On the other hand, someone with the goal of rehabilitation is more accepting of the mitigating circumstances of the offense, and more likely to excuse the offender. In conclusion, more research should be conducted to influence the policies of sentencing. Without acknowledging all of the different aspects that influence decision-making on penalties, a wide disparity on sentencing will remain.

### *Present Study*

After reviewing previous research, it is apparent that more research needs to be conducted on the possible effect that accounts could have on the perceived seriousness of

the crime. Numerous studies have examined the attributions given for violent crimes, however few have looked at non-violent crimes. This study focused on the criminal act of burglary. As previously stated, property crimes account for 87.7 percent of all crimes (Federal Bureau of Investigation, n.d.). Due to the majority of crimes committed being a non-violent nature, it is logical to state that there is a need to examine more closely the accounts given by the perpetrators of these crimes. Furthermore, the Uniform Crime Reporting Program defines burglary as the unlawful entry of a structure to commit a felony or theft. Including both violent and property crimes, approximately 17.7 percent of crimes reported were classified as burglaries (Federal Bureau of Investigation, n.d.).

In order to examine this issue, burglary vignettes in which the defendant accounts vary were presented to undergraduate research participants, and they were asked to rate the seriousness of the crime and to assign a penalty to the perpetrator. The primary questions of interest were whether the following variables would affect participant ratings of perceived seriousness and imposed penalty: 1) the accounts given (i.e., excuses, justifications and/or apologies) 2) the participant's history of victimization and/or criminal behavior 3) demographic variables, such as age or gender, and 4) perceived intent of the perpetrator.

In accordance with previous findings, the following primary hypotheses were proposed. The first is that the accounts offered by the defendants would have a significant impact on the perceived seriousness and the penalties assigned. Specifically, it was hypothesized that apologies, in general, would be more successful than excuses or justifications in reducing the perceived seriousness of the situation. Apologies reduce the victim's responsibility, since the harm-doer admits his or her part in the negative

consequences. In other words, the harm-doer is taking full responsibility for his or her actions, rather than trying to place blame on the victims. Admitting responsibility demonstrates that the harm-doer knows what he or she did was wrong, and hopefully indicates that the action will not occur again. In addition, apologies serve to show respect for the victim, deny maliciousness, and restore social justice (Ohbuchi, Agarie, & Kameda, 1989). Furthermore, it was hypothesized that excuses would be more successful in decreasing the perceived seriousness and the penalty assigned than justifications. This is because it is believed that potential jurors would perceive that excuses reflect decreased intent to cause harm because they portray an attempt to comply with social standards (Steinke, 1992).

Little research has examined how factors such as the participant's history of victimization and/or criminal behavior, the perceived intent of the perpetrator, the participant's attitude towards crime, and the participant's political ideology will affect the perceived seriousness of the crime. However, I hypothesized that each of these would have an impact on both the perceived seriousness and penalty assigned. First, factors such as the participant or someone in his or her immediate family having a history of victimization would be associated with an increase in the perceived seriousness of the crime. It was assumed that personally experiencing negative consequences of criminal behavior would result in more negative attitudes towards crime. If someone holds a negative attitude towards crime, then they may be more likely to rate the perceived seriousness and the assigned penalty as higher compared to someone who has no personal experience with crime. With regard to political ideology, previous research has indicated that those with a more punitive attitudes towards crime and/or a conservative political

viewpoint will perceive crime more seriously. This research has suggested that people who have a conservative political perspective tend to view crime as being committed by people who lack self control and moral conscience, whereas those with a more liberal perspective will view the perpetrator as a victim of the system, therefore advocating for reform and rehabilitation (Carroll et al., 1987). Finally, it was hypothesized that the participant's belief regarding the perpetrator's intent would mediate the account given and perceived seriousness/assigned penalty. That is, if the participant believes that the offense can be attributed to accidental causes or other mitigating circumstances, then the perceived seriousness and the assigned penalty will be less than if the same offense is committed with intention (Feather, 1996). With this scenario, if the perpetrator's intent was to disrespect the rights of the home-owners, then regardless of the type of account given, the perceived seriousness of the crime and assigned penalty will be greater.

## Method

### *Participants*

The data for this research were collected from an initial sample of 131 introductory psychology students at a Midwestern university who received course credit for their participation. Subjects who reported previous criminal behavior and subjects who were under the age of eighteen were excluded. This resulted in the exclusion of two students under the age of eighteen and one student who reported previous criminal behavior (shoplifting), resulting in a final sample of 128 students. The participants ranged in age from 18 to 44 ( $M = 18.66$ ), and included 21 males (16.4%) and 107 females (83.6%).



Analyses revealed that the samples in each group (excuse, justification, apology, and control) had similar backgrounds. The majority of the samples were Caucasian (89.1%). The other ethnic groups represented were African-American (4.7%), Asian or Pacific Islander (.8%), and Hispanic (4.7%). With respect to year in school, the following classes were represented: freshman (77.3%), sophomore (14.8%), junior (5.5%), and senior (2.3%). Of the 128 participants, 43 reported a history of victimization. In addition, 61 participants reported that a family member had a history of victimization.

### *Design*

The independent variables were the accounts that the defendant gave for his actions: apology versus no apology; excuse versus no excuse; and justification versus no justification. The dependent variable was the perceived seriousness of the crime, which was rated on a Likert-type scale.

This study used four conditions (i.e., apologies, excuses, justifications, and control).

### *Materials*

Each participant received one of four different vignettes to read (See Appendix A). The vignettes were based on actual crime reports from 1995 Illinois State Journal Registers and police blotters. Each vignette was approximately one-half page in length, and described a male defendant on trial for burglarizing a house. Facts of the case were changed slightly to prevent identification of victim or perpetrator. The male was described as an adult, but actual race and age were omitted. I chose not to include race or age in order to control for confounding variables that may have influenced the perceived

seriousness. Additionally, the demographics of the victim were also excluded for the same reasons. Burglary was chosen as the crime committed due to the greater disparity in the possible sentence for a convicted burglar. Given that crimes such as rape or homicide have a more serious stigma attached to them, it would be harder to manipulate the perceived seriousness and penalties assigned. For each vignette, although the facts remained the same, the defendant gave a different account for the crime.

Also included in the participants' packets was a demographic information questionnaire, which consisted of questions regarding the age, ethnicity, level of education, occupation, and gender of participants. In addition, the questionnaire included questions regarding the participant's and/or the participant's family history of victimization (See Appendix B).

Furthermore, an additional scale [based on Steinke (1992)] was provided to indicate the seriousness of the offense. This was a 5-point scale ranging from *extremely serious* (1) to *not at all serious* (7) (Steinke, 1992). These particular scales were developed for inmates who had committed a wide range of offenses. Along with the seriousness scale, the packet includes questions regarding the penalty (See questions 2a and 2b in Appendix C). These questions were divided to include non-jail time penalties (i.e. no penalty, reprimand, payment of fee, probation or community service), as well as jail time penalty. The participant's were instructed to mark all answers that applied to the vignette. To analyze the data, a "0" was entered if the participant did not mark the selection, and a "1" was entered if they did mark the selection. Furthermore, the participant's were asked to rate to what extent they felt the defendant had intended to

violate the rights of the owners. Lastly, a scale regarding the participant's political ideology was included (See Appendix C).

In addition, an informed consent and debriefing statement were provided (See Appendix D and Appendix E).

### *Procedure*

The undergraduate students were recruited from introductory psychology courses and received course credit for their participation. Approximately twenty to thirty students completed the packet at each session. For each session, a brief introduction to the study was given, along with an informed consent form. After collecting the informed consent, the packets were distributed, each containing one of the four vignettes. The order of the conditions was randomly distributed throughout. The study took approximately 30 minutes to complete and each student received one-half hour of credit for his or her participation.

Once students were instructed to begin, they read the vignette and then completed the attached questionnaire. After completion of the packet, participants were given the debriefing statement.

### *Results*

The central hypothesis of my study was that the accounts given by the perpetrator (i.e., excuses, justifications, or apologies) would have a significant impact on participant ratings of perceived seriousness and imposed penalty. To analyze this, three one-way ANOVAs were run with dependent variables of perceived seriousness, non-jail time penalty, and jail time penalty. There were no significant differences in the rating of perceived seriousness by the participants in the control, excuse, justification, and apology

conditions,  $F(3, 123) = .17, p = .92$ . Additionally, the one-way ANOVA demonstrated that there no significance for the ratings of non-jail time penalty by the participants in each condition,  $F(3, 124) = 1.43, p = .24$ , or for the ratings of jail time penalty,  $F(3, 122) = 1.91, p = .13$ .

Secondary sets of analyses were run comparing each condition. Independent samples *t*-tests were conducted with each condition as the independent variable and perceived seriousness as the dependent variable. There were no significant results in the ratings of perceived seriousness when comparing the apology and excuse conditions,  $t(62) = -.17, p = .87$ ; the apology and justification conditions,  $t(61) = .26, p = .79$ ; the apology and control conditions,  $t(62) = -.46, p = .65$ ; the excuse and justification conditions,  $t(61) = .40, p = .69$ ; the excuse and control conditions,  $t(62) = -.29, p = .77$ ; or the justification and control conditions,  $t(61) = -.65, p = .52$ . In addition, there were no significant results in the ratings of non-jail time penalty when comparing the apology and excuse conditions,  $t(62) = -.61, p = .56$ ; the apology and justification conditions,  $t(62) = -1.48, p = .15$ ; the excuse and justification conditions,  $t(62) = -.80, p = .43$ ; the excuse and control conditions,  $t(62) = -1.27, p = .21$ ; or the justification and control conditions,  $t(62) = -.42, p = .68$ . However, participants in the control condition were more likely to choose non-jail time penalties ( $M = 3.00$ ) compared to participants in the apology condition ( $M = 2.59$ ),  $t(62) = -2.08, p < .05$ . Lastly, independent samples *t*-tests were conducted on the ratings of jail time penalty. There were no significant results when comparing the apology and excuse conditions,  $t(60) = -1.51, p = .14$ ; the apology and control conditions,  $t(61) = -1.65, p = .10$ ; the excuse and justification conditions,  $t(61) = -1.12, p = .27$ ; the excuse and control conditions,  $t(61) = -.43, p = .67$ ; or the

justification and control conditions,  $t(62) = .52, p = .60$ . However, the participants in the justification condition were more likely to choose more jail time ( $M = 36.36$ ) compared to the participants in the apology condition ( $M = 18.68$ ),  $t(61) = -2.63, p < .05$ .

As stated above, the results for perceived seriousness, non-jail time penalty, and penalty were similar, regardless of which condition the participant was in (see Table 1). The scale for perceived seriousness ranged from *extremely serious* (1) to *not at all serious* (5). Prior to conducting these analyses, this variable was recoded with higher numbers indicating greater perceived seriousness. As can be seen, the mean scores for perceived seriousness were not significantly different between each of the conditions. Non-jail time penalty included reprimand, payment of fees, probation, and community service (“no penalty” was included, however no participants selected this choice). The analysis was conducted by adding the number of non-jail time penalties that the participant marked. In a majority of the conditions, the results for non-jail time penalties were similar. However, it is important to note that when compared to the control group, the apology condition did lessen the amount of non-jail time penalties chosen. Lastly, jail time penalty was coded as the number of months of imprisonment that the participant recommended for the defendant. As Table 1 illustrates, there is no significant difference between when comparing the means across conditions; however, the apology condition did lessen the amount of jail time chosen when compared to the justification condition. Results demonstrate that in some cases, an apology may have a significant effect on the ratings of non-jail time and jail time penalties. Finally, there was an extremely small range of scores for perceived seriousness due to the fact that a majority of the participants rated the crime as “very serious” (43.0%) or “moderately serious” (41.4%). This small

range of scores resulted in a lack of findings when comparing difference in perceived seriousness between groups.

A secondary hypothesis was that the participant's reported history of victimization would increase the ratings of perceived seriousness and the penalty assigned. To analyze this hypothesis, an independent samples *t*-test was run with the participant's victimization as the independent variable and perceived seriousness as the dependent variable. This analysis was not significant,  $t(125) = -1.60, p = .11$ . An independent samples *t*-test was then conducted on participant's past victimization and jail time penalty. The result of this analysis was also not significant,  $t(124) = -.07, p = .95$ . An independent samples *t*-test was then run on participant's victimization and non-jail time penalty. Participants who reported past victimization were chose more non-jail time penalties ( $M = 3.02$ ) compared to participants who reported no past victimization ( $M = 2.69$ ),  $t(126) = 2.05, p < .05$ .

For the overall sample ( $N = 128$ ), 33.6% reported a history of personal victimization. As discussed above, those who reported a history of victimization chose more non-jail time penalties (i.e., reprimand, payment of fee, probation, and community service), than participants who reported no history of personal victimization (see Table 2).

Another secondary hypothesis was that a family history of criminal victimization would increase participant ratings of perceived seriousness and the penalty assigned. To analyze these hypotheses, independent sample *t*-tests were conducted. The results of these analyses were not significant for either perceived seriousness,  $t(125) = .08, p = .94$ , or jail time penalty,  $t(124) = -.33, p = .74$ . However, as with personal victimization,

participants who reported past family victimization were chose more non-jail time penalties ( $M = 2.97$ ) compared to participants who reported no past family victimization ( $M = 2.66$ ),  $t(126) = 2.04$ ,  $p < .05$ .

Once again, participants who reported a history of family victimization were more likely to choose more non-jail time penalties than those who reported no history of family victimization (see Table 2).

To further examine the data, analyses were run on the frequencies of the penalties that each participant indicated the defendant deserved. As shown in Table 3, there was a higher percentage of each non-jail time penalty chosen by participants who reported a history of personal or family victimization. Within each group (participants reporting no personal and/or family victimization and participants reporting personal and/or family victimization), the non-jail time penalty of “payment of fee” was most frequently chosen.

To examine this further, bivariate correlations were conducted on the number of times a participant was victimized and ratings of perceived seriousness, non-jail time penalty, and jail time penalty. No significant relationships were found between the number of times of victimization and perceived seriousness,  $r = .01$ ,  $p = .95$ ; non-jail time penalty,  $r = .20$ ,  $p = .20$ ; or jail time penalty,  $r = .12$ ,  $p = .44$ . It was also hypothesized that there would be a relationship between the number of times a family member was victimized and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty. A bivariate correlation was conducted to examine each relationship. There were no significant correlations between the number of times a family member was victimized and perceived seriousness,  $r = .06$ ,  $p = .63$ ; non-jail time penalty,  $r = .19$ ,  $p = .14$ ; or jail time penalty,  $r = .14$ ,  $p = .29$ .

Correlations were also conducted to examine whether there was a relationship between the length of time from participant's most recent victimization and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty. Again, there were no significant results between the participant's most recent victimization and perceived seriousness,  $r = .25, p = .11$ ; non-jail time penalty,  $r = .01, p = .95$ ; or jail time penalty,  $r = .22, p = .15$ . This was also true when examining length of time since a family's member most recent victimization and perceived seriousness,  $r = .00, p = 1.00$ ; non-jail time penalty,  $r = -.06, p = .65$ ; or jail time penalty,  $r = -.20, p = .14$ .

Additional correlations were conducted to examine whether there was a relationship between the participant's belief that the defendant had participated in previous criminal behavior and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty. A significant relationship was found between the belief that the defendant had participated in previous criminal behavior and the ratings of jail time penalty,  $r = .28, p < .01$ . Results indicate that the more number of times that the participant believed the defendant to have participated in previous criminal behavior, then the longer he or she chose as the jail time sentence. There was no relationship between the belief of participation in previous criminal behavior and perceived seriousness,  $r = .09, p = .34$ , or non-jail time penalty,  $r = .08, p = .39$ .

Another hypothesis was that participants' political viewpoints would have a significant impact on the ratings of perceived seriousness, non-jail time penalty, and jail time penalty. A bivariate correlation was run to examine these relationships. According to the results, no significant relationships were found between the political viewpoints



and perceived seriousness,  $r = .07, p = .45$ ; non-jail time penalty,  $r = -.13, p = .15$ ; or jail time penalty,  $r = .15, p = .09$ .

To further examine the data, bivariate correlations were conducted on the perceived violation of the homeowners' rights (intent to cause harm) and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty. A significant correlation was found between the perceived violation of the homeowners' rights and the rating of jail time penalty,  $r = .22, p < .05$ . Results indicated that the more a participant believed that the defendant had intended to violate the homeowners' rights, then the longer he or she chose as the jail time sentence. There was no relationship between the perceived violation of the homeowners' rights and perceived seriousness,  $r = .14, p = .12$ , or non-jail time penalty,  $r = .12, p = .20$ .

To examine whether the accounts given by the perpetrator (i.e., excuses, justifications, or apologies) would have a significant impact on participant ratings of intent (perceived violation of owner's rights), a one-way ANOVA was run. There were no significant differences in the rating of intent by the participants in the control, excuse, justification, and apology conditions,  $F(3, 124) = .64, p = .59$ .

To further examine how accounts may have affected the perceived intent of the perpetrator, secondary sets of analyses were run comparing each condition. Independent samples *t*-tests were conducted with each condition as the independent variable and perceived intent as the dependent variable. There were no significant results in the ratings of perceived intent when comparing the apology and excuse conditions,  $t(62) = .14, p = .89$ ; the apology and justification conditions,  $t(62) = -.45, p = .66$ ; the apology and control conditions,  $t(62) = -1.14, p = .26$ ; the excuse and justification conditions,  $t$

(62) =  $-.55$ ,  $p = .58$ ; the excuse and control conditions,  $t(62) = -1.19$ ,  $p = .24$ ; or the justification and control conditions,  $t(62) = -.73$ ,  $p = .47$ .

Of additional interest was whether demographic variables (i.e., age, gender, ethnicity, and religious affiliation) would affect participant ratings of perceived seriousness, non-jail time penalty, and jail time penalty. A significant correlation was found between the participant's age and ratings of perceived seriousness,  $r = .22$ ,  $p < .05$ . Results indicate that the older the participant was, the higher he or she rated the perceived seriousness. This may have been due to an outlier effect, as one of the subjects was 44-years-old. All the other participants were between the ages of 18 and 22 years old. After removing the outlier, a bivariate correlation was then conducted on the data. When that subject was omitted, the data approached significance,  $r = .17$ ,  $p = .06$ . There was no significant relationship between a participant's age and non-jail time penalty,  $r = .04$ ,  $p = .69$ , or jail time penalty,  $r = .10$ ,  $p = .29$ .

To examine the relationship between gender and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty, an independent samples  $t$ -test was conducted for each dependent variable. Gender was found to have no significant impact on the rating of perceived seriousness,  $t(125) = .63$ ,  $p = .53$ , non-jail time penalty,  $t(126) = 1.41$ ,  $p = .16$ , or jail time penalty,  $t(124) = -1.21$ ,  $p = .23$ .

To examine the relationship between participant's minority status and the ratings of perceived seriousness, non-jail time penalty, and jail time penalty, an independent  $t$ -test was going to be conducted. Due to the small number of minority participants, this analysis was not conducted. Finally, to examine the effect that religious affiliation had on the ratings of perceived seriousness, non-jail time penalty, and jail time penalty, a one-

way ANOVA was conducted. Religious affiliation was not found to significantly impact on the ratings of perceived seriousness,  $F(6, 120) = 1.64, p = .14$ . Additionally, no significance was demonstrated for the ratings of non-jail time penalty by the participants in each condition,  $F(6, 121) = .84, p = .54$ , or for the ratings of jail time penalty,  $F(6, 119) = 1.64, p = .14$ .

### Discussion

The central hypothesis was that the accounts that defendants give would have a significant effect on the perceived seriousness of the crime, therefore having an impact on the penalty assigned. Although there was no significant relationship between perceived seriousness and the accounts given, results did indicate that when compared with the control group, apologies tended to lessen the amount of non-jail time penalties chosen by participants. Furthermore, when compared to the justification group, apologies also lessened the length of jail time chosen by the participants. In addition, the data supported the hypothesis that having a personal and/or family history of victimization would have a significant impact on the penalties assigned. James Wilson (1997) has previously argued that the accounts a defendant gives, specifically the excuse given, has no place in the courtroom. He stated that the accounts are a way of explaining the behavior, which should not be a duty of the court. He expanded on this opinion by stating that the courts duty should deal with whether an action was right or wrong and should not concern the issues of blameability or excuseability. Expanding on this concept, this study demonstrates that there may be other factors that influence the courts' decision. These factors have little to do with the defendants' accounts; instead results show that it may

actually be the participant's (or juror's) characteristics that have an influence on decisions made by the court.

Results also revealed that there was a relationship between the participants' age and the ratings of perceived seriousness. However, neither religion nor gender was found to impact the ratings of perceived seriousness, non-jail time penalty, or jail time penalty. Additionally, it was hypothesized that the political viewpoint of the participant would impact the ratings of perceived seriousness, non-jail time penalty, and jail time penalty; specifically, that the participants who viewed themselves as more conservative would give higher ratings for perceived seriousness, along with choosing more penalties and more jail time. This hypothesis was not supported by the present data.

A fourth hypothesis was that the participant's belief regarding the perpetrator's intent would mediate the account given and perceived seriousness/assigned penalty. In other words, if the participant believed that the defendant did intend to violate the homeowner's rights, then they would rate the perceived seriousness and imposed penalty as higher, regardless of the account given. Although no relationship was found between accounts given and perceived seriousness/assigned penalty, results did demonstrate a relationship between the perceived violation of the homeowners' rights and the jail time penalty. The more that the participant believed the defendant to have violated the homeowners' rights, then the longer he or she chose as the jail time sentence. Furthermore, it was apparent that the more number of times that the participant believed the defendant had participated in previous criminal behavior, then the longer he or she chose as the jail time sentence.

The present data does not support the previous research that found that accounts impact perceived seriousness, however it does lend credibility to the research suggesting that accounts impact the imposed penalties (Hamilton & Hagiwara, 1992; Steinke, 1992). Previous data suggest that the more serious a crime is perceived, then the harsher the penalty will be (Felson & Ribner, 1981; Steinke, 1992). Other researchers have suggested that the accounts that defendants give (i.e. no explanation, excuse, justification, and/or apology) will influence the perceived seriousness (Hunter and McClelland, 1991). My findings did support the hypothesis that apologies would lessen the amount of non-jail time penalties and jail time penalties chosen by the participants, however results do not indicate that the other accounts (i.e. excuse and justification) had an effect on imposed penalty. Furthermore, the current results do not show that there is a relationship between the accounts given and perceived seriousness. Nevertheless, I feel that there are several possible explanations for this. First, most of the previous research conducted on the effect that accounts have on the penalties assigned centers on extremely deviant acts. For example, Felson and Ribner (1981) examined the accounts given and the sanctions received for two types of extremely deviant acts: criminal homicide and felonious assault. The participants were males incarcerated in correctional facilities. With this population, the guilt was already established and the penalty was already assigned. Results of this research did demonstrate that accounts had an effect on the sanctions assigned. Similarly, Steinke (1992) studied the mediating effect of inmates' types of accounts, attribution of causality, and pleas on hearing officers' judgments of blame. Once again, the subjects were incarcerated men in a medium security prison. Furthermore, the

previous research used actual inmates' accounts and the hearing officers'/judges' decisions.

In the present study, the participants were university students. The main difference is that the participants represented potential jurors, attempting to determine perceived seriousness, imposed penalty, and perceived intent. In the majority of past research, the participants were already found guilty, and the researchers were categorizing their accounts, and then analyzing whether that had an effect on imposed penalty. It is important to note that in these cases, it is the judge who actually imposes a penalty, one that must fall in accordance with state and federal laws. The jurors simply determined the guilt. With the present study, there was not a question of guilt as the defendant admitted guilt, however there was very little variance in the ratings of perceived seriousness and perceived intent. Most participants rated that they felt the crime committed was very serious (43.0%) or moderately serious (41.4%). Additionally, most participants felt that the defendant did intend to violate the homeowners' rights (41.4% strongly agreeing and 42.2% somewhat agreeing). With the majority of participants choosing the same ratings, it was difficult to obtain significant results.

On the other hand, results did indicate that participants who reported a history of victimization, either personal or family, were more likely to choose more of the non-jail time penalties (i.e., reprimand, payment of fee, probation, community service) compared to participants who reported no personal or family history of victimization. In this sample, there was a wide range of different types of victimization, including crimes against person (assault, domestic violence) and crimes against property (burglary, vandalism). However, the results indicated that participants with any type of history of

personal or family victimization **tended** to choose more penalties for the defendant. This is an important finding that **needs to be examined** in future studies. The main purpose of this study was to see what **factors influence** a juror's decision for a non-violent crime. These findings show that **any type of history** of victimization will have a significant impact on imposed penalty. It is **interesting** to note that in most jury selections, especially for property crime, the **history of victimization** of the potential juror may not be considered as important. This **study demonstrates** that even for a property crime, the participant's (juror's) history of **personal or family victimization** may have a significant impact on the decision.

This study also examined how **other demographic variables** would affect the perceived seriousness, non-jail time **penalty**, and jail time **penalty**. When analyzing the effect that age had, the age of the sample **ranged** from 18 years old to 44 years old, with the majority of the sample being **between the ages of 18 and 22 years old**. Results indicated that the older that a participant was, the **higher** he or she rated the perceived seriousness. A possible explanation for this result is that as a person grows older, he or she begins to consider the circumstances surrounding the wrongdoing. With the present study, a majority of the people felt that the **defendant's intentions** were to violate the owner's rights. The older participants may have **been considering** the defendant's intentions more than the younger participants, **therefore rating** the perceived seriousness as higher.

To examine this further, it is important to **consider the developmental stage** that the majority of the sample is in. Adolescents are **in the midst of an important period of moral development** (Santrock, 2001). They are **faced with contradictions** between the

moral concepts that they grew up with, compared now to the concepts of people outside their friends and families. There is considerable debate about what is right and wrong, and they begin to develop their own moral beliefs. The present sample of participants seems to be in the middle of this conflict, which may explain the similarity in the ratings. Piaget (as cited by Santrock, 2001) stated that children believe in imminent justice. That is, if a rule is broken, then punishment will be determined immediately. As people get older, they begin to realize that the actor's (person committing the wrongdoing) intentions must also be taken into account. With the present sample, the majority (83.6%) indicated that the defendant did intend to violate the owner's rights; therefore the majority (84.4%) also indicated that the crime was either "very" or "moderately serious". This similarity in answers may be explained by the stage of moral development that the participants were in, and may also explain, in part, the current patterns of results. These are just two possible theories that may account for the relationship between age and perceived seriousness. For future research, it would be important to examine a sample of participants with a wider range in age to further study this relationship.

It is also important to examine the lack of significant findings with regards to the other demographic variables. The majority of the sample came from similar backgrounds; therefore it was difficult to examine the differences that may occur in the general population. For instance, the majority of the sample was female (83.6%) and Caucasian (89.1%). There was also not wide variability in political ideology, as 46.1 % indicated the political ideology to be "moderate/middle". Future research on this topic could include a more diverse population. When using a community sample, it would be more realistic to expect a wider range of age, ethnic status, and gender.



There are other possible methodological reasons for the lack of significant findings. For one, the university students may not have taken as much time to read the vignette as needed. Furthermore, it is possible that the samples of the accounts (i.e. the excuse, justification, apology, and control) were not distinct enough for the students to pick up on the differences. For future studies, it would be important to make the differences in the accounts more apparent. For instance, the apology vignette could have made more apparent the sincerity of the defendant's statement, or the defendant in the excuse vignette could have had his account corroborated by others' testimony. Another possible suggestion is to use videotapes rather than vignettes. The researcher could randomly choose participants for each condition, and then have them watch a videotape of the account. It is possible that the participants would be more involved with a video than with reading a vignette. In either case, it would be beneficial to have a "check" after the participants read the vignettes. For instance, after the participants read the vignette, there could have been a few questions regarding what they have read. Examples include questions such as, "What crime is the defendant accused of committing?" and "What was the defendant's account of his crime?" This would help insure that the participant had taken time to read and comprehend the vignette. Furthermore, it would help to highlight the accounts given.

The present study does demonstrate that there are several factors that contribute to perceived seriousness and imposed penalty. Although the present study did not produce any significant findings with regards to the accounts that defendants give and the perceived seriousness, it did demonstrate that apologies can have a significant effect on the imposed penalty. Furthermore, results also show that individual experiences and

characteristics can influence the participants' (or jurors') decisions. Factors such as one's age proved to have a significant effect on the ratings of perceived seriousness, whereas a history of personal or family victimization actually increased the overall amount of penalties that the participant assigned to the defendant. Although the duty of the judicial system is to determine guilt or innocence, these results demonstrate that other factors can influence this decision.

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Table 1  
*Mean Ratings of Seriousness and Assigned Penalty by Defendant Account*

Defendant Accounts	Perceived Seriousness			Non-jail time penalty			Jail time penalty (in months)		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
Apology	3.38	.71	32	2.59	.71	32	18.68	21.28	31
Excuse	3.41	.80	32	2.72	.92	32	28.10	27.47	31
Justification	3.32	.87	31	2.91	.96	32	36.36	31.10	32
Control	3.47	.92	32	3.00	.84	32	31.77	38.93	32

Table 2

*Mean Ratings of Seriousness and Assigned Penalty by Personal and Family Victimization*

Participant Ratings	Victimization History							
	Personal				Family			
	Yes ( <i>n</i> = 43)		No ( <i>n</i> = 85)		Yes ( <i>n</i> = 61)		No ( <i>n</i> = 67)	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Perceived Seriousness	3.23	.81	3.48	.81	3.40	.72	3.39	.90
Non-Jail Time	3.02*	.71	2.69*	.93	2.97*	.73	2.66*	.96
Jail Time	28.56	29.00	28.94	31.85	27.88	26.34	29.68	34.63

\* Note. \**p* < .05.

Table 3  
*Number of Participants Advocating Different Non-Jail Time Penalties by Victimization History*

Non-Jail Time Penalty	Personal Victimization		Family Victimization	
	Yes ( <i>n</i> = 43)	No ( <i>n</i> = 85)	Yes ( <i>n</i> = 61)	No ( <i>n</i> = 67)
Reprimand	(27.9%)	(21.2%)	(26.2%)	(20.9%)
Payment of Fee	(100.0%)	(90.6%)	(96.7%)	(91.0%)
Probation	(86.0%)	(75.3%)	(83.6%)	(74.6%)
Community Service	(88.4%)	(82.4%)	(90.1%)	(79.1%)



## Appendix A

**Apology Only Burglary Vignette**

A resident of the 400 block of Elm Street informed the police that upon returning home at about 6:30 p.m., she found that the back door of her home had been forced open. In addition to \$250 worth of damage, two bedrooms were ransacked. The following items, valued at \$950.00, were reported missing: two stereo speakers, a VCR, a portable television, a camera, and 10 music CD's (compact discs).

The police found Mark L. in a car near the scene. He was arrested on the charge of burglary and eventually pled guilty to the crime. At sentencing, Mr. L. testified on his own behalf. The following is an excerpt from the trial transcript:

“...I admit that I broke into the house on Elm Street and stole the stuff that was later found in my car. I just want to say to the people whose house it was that I'm very sorry. I know that what I did was wrong and wish that I had never done it...”

PLEASE TURN THE PAGE AND ANSWER THE QUESTIONS RELATED TO THE ABOVE CASE.

**Excuse Only Burglary Vignette**

A resident of the 400 block of Elm Street informed the police that upon returning home at about 6:30 p.m., she found that the back door of her home had been forced open. In addition to \$250 worth of damage, two bedrooms were ransacked. The following items, valued at \$950.00, were reported missing: two stereo speakers, a VCR, a portable television, a camera, and 10 music CD's (compact discs).

The police found Mark L. in a car near the scene. He was arrested on the charge of burglary and eventually pled guilty to the crime. At sentencing, Mr. L. testified on his own behalf. The following is an excerpt from the trial transcript:

“...I admit that I broke into the house on Elm Street and stole the stuff that was later found in my car. I know that what I did was wrong, but it's really not my fault. I only did it because my friends pressured me into it. They told me that if I didn't break in and steal the stuff that I would regret it...”

PLEASE TURN THE PAGE AND ANSWER THE QUESTIONS RELATED TO THE ABOVE

CASE.

**Justification Only Burglary Vignette**

A resident of the 400 block of Elm Street informed the police that upon returning home at about 6:30 p.m., she found that the back door of her home had been forced open. In addition to \$250 worth of damage, two bedrooms were ransacked. The following items, valued at \$950.00, were reported missing: two stereo speakers, a VCR, a portable television, a camera, and 10 music CD's (compact discs).

The police found Mark L. in a car near the scene. He was arrested on the charge of burglary and eventually pled guilty to the crime. At sentencing, Mr. L. testified on his own behalf. The following is an excerpt from the trial transcript:

“...I admit that I broke into the house on Elm Street and stole the stuff that was later found in my car. I wouldn't have taken the stuff, if I didn't think they could do without it. These people are obviously rich and had so much of everything. I only took stuff that they already had extras of...”

PLEASE TURN THE PAGE AND ANSWER THE QUESTIONS RELATED TO THE ABOVE CASE

**“Admission/No comment” Burglary Vignette**

A resident of the 400 block of Elm Street informed the police that upon returning home at about 6:30 p.m., she found that the back door of her home had been forced open. In addition to \$250 worth of damage, two bedrooms were ransacked. The following items, valued at \$950.00, were reported missing: two stereo speakers, a VCR, a portable television, a camera, and 10 music CD's (compact discs).

The police found Mark L. in a car near the scene. He was arrested on the charge of burglary and eventually pled guilty to the crime. At sentencing, Mr. L. stated:

“...I admit that I broke into the house on Elm Street and stole the stuff that was later found in my car...”

PLEASE TURN THE PAGE AND ANSWER THE QUESTIONS RELATED TO THE ABOVE CASE.

## Appendix B Demographic Questionnaire

Instructions: Please fill out the following background information. This survey is completely anonymous; do not write your name on it.

**Age:** \_\_\_\_\_

**Gender:** Male \_\_\_\_\_ (1)      Female \_\_\_\_\_ (2)

**Marital Status:**

_____ Single/Never Married(1)	_____ Divorced (4)
_____ Married (2)	_____ Widowed (5)
_____ Separated (3)	_____ Other (6)

Specify: \_\_\_\_\_

**Ethnic Background:**

_____ Caucasian (1)	_____ Hispanic (4)
_____ African American (2)	_____ Native American (5)
_____ Asian or Pacific Islander (3)	_____ Other (6)

Specify: \_\_\_\_\_

**Religious Affiliation:**

_____ Baptist (1)	_____ Christian, Other (5)
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Specify: \_\_\_\_\_

_____ Catholic (2)	_____ Jewish (6)
_____ Lutheran (3)	_____ Other (7) Specify:

\_\_\_\_\_ Methodist (4)

**Highest Level of Education Completed:**

\_\_\_\_\_ Did not graduate from high school (1)  
 \_\_\_\_\_ Grade 12 (High School/GED) (2)  
 \_\_\_\_\_ Some college (3)  
 \_\_\_\_\_ Bachelor's Degree (4)  
 \_\_\_\_\_ Some graduate school (5)  
 \_\_\_\_\_ Master's Degree (6)  
 \_\_\_\_\_ Doctoral Degree (7)  
 \_\_\_\_\_ Other (8) Specify: \_\_\_\_\_

**If you are currently attending college, please indicate your year in school:**

_____ Freshman (1)	_____ Senior (4)
_____ Sophomore (2)	_____ Graduate student (5)
_____ Junior (3)	_____ Other (6) Specify:

\_\_\_\_\_

**What is your occupation:** \_\_\_\_\_

Please answer the following questions as honestly as possible. Recall that your answers are **completely anonymous**.

**1. Have you ever been the victim of a crime?**

\_\_\_\_ Yes (1)

\_\_\_\_ No (2)

**If yes, then please answer the following questions about this crime.**

**1a. Please indicate the type(s) of crime (e.g., burglary, vandalism, assault, etc.)**

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**1b. How many times have you ever been the victim of a crime?**

\_\_\_\_ 1

\_\_\_\_ 2

\_\_\_\_ 3

\_\_\_\_ 4

\_\_\_\_ Other: Specify how many? \_\_\_\_

**1c. When was the most recent time you were the victim of a crime?**

\_\_\_\_ years \_\_\_\_ months

**2. Has anyone in your immediate family been the victim of a crime?**

\_\_\_\_ Yes (1)

\_\_\_\_ No (2)

**If yes, then please answer the following questions.**

**2a. Please indicate the type(s) of crime: (e.g., burglary, vandalism, assault, etc.)**

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**2b. How many times were they the victim of a crime?**

\_\_\_\_ 1

\_\_\_\_ 2

\_\_\_\_ 3

\_\_\_\_ 4

\_\_\_\_ 5

\_\_\_\_ Other: How many? \_\_\_\_

**2c. When was the last time they were the victims of a crime?**

\_\_\_\_ years \_\_\_\_ months

**3. Have you ever been convicted of a Felony Crime? \_\_\_\_ Yes (1) \_\_\_\_ No (2)**

**(Please remember, your answers are anonymous and will be kept confidential)**

**If yes, please indicate the type(s) of crime:**

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## Appendix C

Please answer the questions about the case that you just read.

1. How serious would you rate Mark L.'s offense? (Please circle the number)

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Extremely serious</b>	<b>Very serious</b>	<b>Moderately serious</b>	<b>Somewhat serious</b>	<b>Not at all serious</b>

2. In Illinois, Residential Burglary is defined as a Class 1 felony and sentencing is recommended as being no less than 4 years and no more than 15 years. Please answer the following questions regarding sentencing for Mark L.

2a. What penalty would **you** give to Mark L.? Please mark ALL answers that apply.

- \_\_\_\_\_ (1) No penalty  
 \_\_\_\_\_ (2) Reprimand  
 \_\_\_\_\_ (3) Payment of Fee equivalent to value of goods stolen & damage to property  
 \_\_\_\_\_ (4) Probation  
 \_\_\_\_\_ (5) Community Service

2b. How much jail time would **you** recommend for Mark L.? (If your answer is no jail time, then please mark "O" for years and months)

\_\_\_\_\_ Years \_\_\_\_\_ Months

3. Please indicate to what extent you agree or disagree with the following statement:

**"I feel that Mark L. intended to violate the rights of these home-owners."**

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Strongly agree</b>	<b>Somewhat agree</b>	<b>Neutral</b>	<b>Somewhat disagree</b>	<b>Strongly disagree</b>

4. Please specify how many times you believe that Mark L. has participated in criminal behavior before? \_\_\_\_\_ (number of times)

We hear a lot of talk these days about liberals and conservatives. In the following seven-point scale, the political views that people might hold are arranged from extremely liberal to extremely conservative. Please indicate where you would place yourself on this scale.

1	2	3	4	5	6	7
Extremely Liberal	Liberal	Slightly Liberal	Moderate; Middle	Slightly Conservative	Conservative	Extremely Conservative



## Appendix D

## Informed Consent for Undergraduate Participants

The following is a consent form for participation in a research project from the psychology department at Eastern Illinois University. This study is being conducted by Danielle Bree Trammell, a graduate student in the Clinical Psychology Program. The study will examine people's perceptions of criminal defendants.

I, \_\_\_\_\_ (PRINT NAME), agree to participate in this research study. I understand that I will be asked to read a vignette and answer questions related to the vignette. After I complete these questions, I will also be asked to fill out a short questionnaire. This study will take approximately 20 minutes to complete. I also agree that I will receive one hour of participation credit for participating in this research study.

I understand that my participation in this study and all information I provide will remain anonymous and confidential, and that the answers will only be used for research purposes. I also understand that any information that might serve to identify me will be deleted from all files upon completion of this research project. I have been informed that my participation is voluntary and that I may withdraw my participation from this research project at any time without penalty.

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Name

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Date

## Appendix E

### Debriefing Statement

Thank you for your participation in this research project.

The purpose of this study is to examine the possible effect that accounts could have on the perceived seriousness of the crime. Numerous studies have examined the attributions given for violent crimes, however few have looked at non-violent crimes. This study focused on the criminal act of burglary. The primary questions of interest are whether the following variables will affect participant ratings of perceived seriousness and imposed penalty: 1) the accounts given (i.e., excuses, justifications and/or apologies) 2) the participant's history of victimization and/or criminal behavior 3) demographic variables, such as age or gender 4) perceived intent of the perpetrator, and 5) participant's attitude towards crime. Your participation today will assist in furthering our understanding of this important issue.

If you have any further questions regarding your participation in this study, please do not hesitate to contact this experimenter, Danielle Bree Trammell at [bree@midwest.net](mailto:bree@midwest.net) or Dr. Anu Sharma (EIU Psychology Department) at 581-2121/[asharma@eiu.edu](mailto:asharma@eiu.edu). Thank you again for your participation.

### Footnotes

<sup>1</sup>This is based on research by Felson and Ribner, as cited in Henderson and Hewstone, 1984.